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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,096	06/15/2005	Harrie Van Dijk	U 015816-2	7162
140	7590	12/14/2007	EXAMINER	
LADAS & PARRY			EVANISKO, LESLIE J	
26 WEST 61ST STREET			ART UNIT	PAPER NUMBER
NEW YORK, NY 10023			2854	
MAIL DATE		DELIVERY MODE		
12/14/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/539,096	VAN DIJK ET AL.	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) 5-14 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06-15-2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Priority**

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Drawings**

2. Figure 1A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 2 show(s) modified forms of construction in the same view. In particular, it is noted that Figure 2 appears to show both a prior art arrangement and the configuration of the printing member of the instant invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

4. The disclosure is objected to because of the following informalities: The specification lacks the appropriate section headings as set forth in MPEP 608.01(a) and 37 CFR 1.77(c).

Appropriate correction and/or clarification is required.

5. The disclosure is objected to because of the following informalities: It is suggested that the term "said" in lines 3 and 14 of page 1 should be deleted and replaced with --the--. Additionally, in line 18 of page 1, the term "yoghurt" be deleted and replaced with --yogurt-- to correct an obvious typographical error. On page 5, line 12,

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the term “cylindrical” should be deleted and replaced with --cylindrical-- to correct an obvious typographical error.

Appropriate correction and/or clarification is required.

### **Claim Objections**

6. Claims 1-14 are objected to because of the following informalities:

With respect to claim 1, it is suggested that a comma --,-- be inserted after the term “printed” in line 8 to be more grammatically correct.

With respect to claim 4, it is suggested that the term “a” (first occurrence) in line 3 be deleted and replaced with --the-- since the counterpressure member was previously recited in claim 1.

With respect to claim 7, the phrase “the printing unit for offset print” in lines 1-2 has no proper antecedent basis since it was never previously set forth that the printing unit was offset printing. Additionally, the term “the cone surface” in lines 3-4 has no proper antecedent basis since no cone surface of the printing member was previously recited. Finally, since the claim appears to be adding an additional structural element to the device, it is suggested that the phrase “characterized in that” in line 1 be deleted and replaced with --further comprising-- or similar language. Note that similar problems to these mentioned also occur in the identical language in claim 11.

With respect to claim 8, the term “roller” (second occurrence) in line 2 should be deleted and replaced with --cylinder-- since only a printing plate cylinder was previously recited. Note that consistent terminology should be used throughout the claims and an identical problem occurs with the similar language in claim 12.

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With respect to claim 9, the term “the oscillating cylinder” in line 2 has no proper antecedent basis. Again, a similar problem occurs in the same language provided in claim 13.

With respect to claim 10, it is suggested that the term --an-- be inserted before “inking” in line 2.

Finally, it is not clear how claims 7-10 and 11-14 differ in scope since they appear to recite the same structural elements and to be almost identical.

Appropriate correction and/or clarification is required.

### **Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohan (US 3,977,318). Cohan teaches a device for printing objects 16 having a conically shaped surface, the device providing a printing member 30, 32 having a printing plate 31 or printing cloth, a drive mechanism 38 for the printing member, a printing unit 34, 36 for applying printing ink on the printing plate, and a counterpressure member 19 on which the surface to be printed is held and supported while being printed, characterized in that the surface of the printing member onto which the printing plate is applied is at least partly formed in such a way, that on rolling of the printing plate across the conical

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surface of the object to be printed, the circumferential velocities of the printing member and conical surface to be printed are uniform or almost uniform at every point along a full line of contact. Particular attention is invited to Figures 3-4. Note that since the printing member and conical object of Cohan have complementary conical shapes, it would appear the device of Cohan inherently would have uniform or almost uniform circumferential velocities as recited.

With respect to claims 2 and 3, note the surface of the printing member 30, 32 of Cohan can broadly be considered to be at least partly an outer surface of a truncated circular cone, as shown in Figure 4 in particular.

With respect to claim 4, note the counterpressure member 19 is in the shape of a truncated circular cone and will be positioned in a predetermined position in relation to the printing member 30, 32 and the axes of the printing member and counterpressure member intersect one another in a predetermined point. See column 2, lines 10-15 and Figure 4 of Cohan in particular.

### **Allowable Subject Matter**

9. Claims 5-14 are objected to for the reasons set forth above as well as for being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner and in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

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With respect to claim 5, the prior art of record fails to teach or fairly suggest a device for printing a conical object including all of the structure as recited, in combination with and particularly including, the circumferential length of the cone-shaped printing member being chosen depending upon the number of printing plate to be mounted on the printing member and on the driving speeds of the printing member and object support and the cone angle of the printing member is chosen depending upon the circumferential length of the printing member and the cone angle of the conical object to be printed.

With respect to claim 7 and 11, the prior art of record fails to teach or fairly suggest a device for printing a conical object including all of the structure as recited, in combination with and particularly including, further including a conical printing plate cylinder having such a cone angle and orientation of the cone axis that the conical printing plate cylinder exactly connects to the cone surface of the printing member.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewin (US 539,276), Quigley (US 1,840,466), and Carter (US 71,978) each teach a device for printing on a conical object having obvious similarities to the claimed subject matter.
  
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is (571) 272-2161. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie J. Evanisko/  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
December 9, 2007